

On October 7, 1937, a plea of guilty was entered on behalf of the defendants and they were sentenced to pay a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28128. Adulteration of canned cherries. U. S. v. R. D. Bodle Co. Plea of guilty. Fine, \$250 and costs. (F. & D. No. 39776. Sample No. 32694-C.)

Samples of this product were found to contain maggots.

On October 27, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. D. Bodle Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about March 2, 1937, from the State of Washington into the State of Montana of quantities of canned cherries that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Heep Full Brand * * * Packed by Valley Fruit Canning Co. Puyallup, Wash. U. S. A. Red Sour Pitted Cherries."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On November 15, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$250 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28129. Adulteration and misbranding of olive oil. U. S. v. Kakarakis Bros. Plea of guilty. Fine, \$75. (F. & D. No. 39757. Sample Nos. 25574-C, 33523-C, 33524-C, 33525-C.)

This product consisted in part of corn oil or cottonseed oil.

On September 17, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Kakarakis Bros., a corporation, Chicago, Ill., alleging shipment by the defendant on or about August 7 and 28, 1936, and January 15, 1937, from the State of Illinois into the State of Indiana of quantities of alleged olive oil that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Electra Brand Extra Superfine Pure Olive Oil * * * Imported and packed by Kakarakis Bros. Chicago, Ill."; or "Riviera Brand Pure Olive Oil * * * Kakarakis Bros., Inc. Chicago."

The article was alleged to be adulterated in that cottonseed oil in the case of two lots, and corn oil in the case of the two other lots, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for pure olive oil, which it purported to be.

Misbranding was alleged in that statements borne on the labels, (Electra-brand) "Extra Superfine Pure Olive Oil" and "Warranted Absolutely Pure Olive Oil Under Chemical Analysis," and (Riviera brand) "Pure Olive Oil," were false and misleading since the article was not pure olive oil but was a product containing corn oil in the case of two lots, and cottonseed oil in the case of the two other lots; in that the article was labeled as aforesaid so as to deceive and mislead the purchaser; and in that it was an imitation of olive oil which had been offered for sale under the distinctive name of another article, olive oil.

On October 27, 1937, a plea of guilty was entered on behalf of the defendant and it was sentenced to pay a fine of \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28130. Adulteration of prunes. U. S. v. The McLain Grocery Co. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 39756. Sample No. 14588-C.)

This product was insect-damaged and was contaminated with insect excreta.

On July 29, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the McLain Grocery Co., a corporation, Massillon, Ohio, alleging shipment by the defendant on or about April 14, 1937, from the State of Ohio into the State of Illinois, of a quantity of prunes that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Richmond Brand Santa Clara Prunes * * * L Redblatt Chicago, Ill."

It was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On November 8, 1937, a plea of nolo contendere was entered and the defendant was sentenced to pay a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28131. Alleged adulteration of canned salmon. U. S. v. Columbia River Packers Association, Inc. Tried to the court. Judgment of not guilty. (F. & D. No. 39474. Sample Nos. 11293-C, 11294-C, 21832-C, 21833-C.)

On May 17, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Columbia River Packers Association, Inc., Astoria, Oreg., alleging shipment by the defendant on or about August 18, 1936, from the Territory of Alaska into the State of Oregon of quantities of canned salmon that was alleged to be adulterated in violation of the Food and Drugs Act. The product bore no label.

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 15, 1937, the case came on for trial to the court without a jury. On December 20, 1937, the defendant was adjudged not guilty.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28132. Adulteration of canned tuna fish. U. S. v. 360 Cases of Canned Tuna Fish. Default decree of condemnation and destruction. (F. & D. No. 39720. Sample No. 33776-C.)

This article was canned tuna fish a part of which was decomposed.

On or about June 14, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 cases of canned tuna fish at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 10, 1937, by the Van Camp Sea Food Co. (from San Diego, Calif.), and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Van Camps Chicken of the Sea Select Tuna."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 18, 1937, no claimant having appeared, judgment of condemnation was entered and destruction of the article was ordered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28133. Adulteration of apples. U. S. v. 117 Baskets and 43 Baskets of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40440, 40507. Sample Nos. 58686-C, 62535-C, 62662-C.)

This product was contaminated with lead.

On September 29 and October 8, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 160 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 28 and October 7, 1937, from Beverley, N. J., by Harry J. Chant and H. J. Chant, respectively, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On October 18 and November 1, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28134. Adulteration of apples. U. S. v. 41 Baskets and 8 Baskets of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40497, 40502. Sample Nos. 62523-C, 62566-C.)

This product was contaminated with lead.

On October 6 and 7, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 49 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 5 and 6, 1937, from Moorestown, N. J.,